

REMARKS

At the outset, Applicants would like to thank the Examiner for the courtesy of a telephone interview on July 19, 2005, wherein issues relating to the prosecution of the present application were discussed.

Claims 19-41 are currently pending in the application. Claims 19-33, 36-37, and 40-41 have been withdrawn. Accordingly, claims 34, 35, 38, and 39 are currently under examination. Claim 34 has been amended to more clearly set forth aspects of the invention. Claims 1-18 were previously canceled. Claim 39 is canceled herein. Accordingly, claim 34, as amended, and claims 35 and 38 are under consideration.

Support for the amendments to the claims is found throughout the specification and in the original claims. Specifically, support for amendment to claim 34 is presented, for example, in original claims 7, 19, and 25; and in the specification, for example, at page 5, line 32 through to page 6, line 3. Claim 34 has also been amended to correct a clerical error whereby a space was inadvertently omitted between “to” and “100” in subsections 2 and 5 of the claim. No issue of new matter is introduced by these amendments.

The specification is amended herein, in accordance with the Examiner’s suggestion, to include section headings where appropriate. No issue of new matter is introduced by these amendments.

Applicants respectfully assert that upon allowance of a generic claim, Applicants are entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of the allowed generic claim.

Rejections under 35 USC § 112

Claim 39 has been rejected under 35 USC § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one of skill in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 39 is canceled herein, thereby obviating any rejection of this claim.

Claims 34, 35, 38, and 39 stand rejected under 35 USC § 112, second paragraph, as allegedly indefinite. The Examiner has stated that claim 39 is indefinite for recitation of “a transmembrane domain of any oligonucleotide or polypeptide derived from all or part of a human CD4 transmembrane domain”. The Examiner maintains that the meaning of this phrase

is unclear because an oligonucleotide does not possess a transmembrane domain because it is not inserted into nor does it span the membrane as does a polypeptide. As indicated above, claim 39 is canceled herein, thereby obviating any rejection of this claim. Applicants believe that the Examiner intended to cite claim 34, rather than claim 39, in this context and have addressed this rejection in accordance with this understanding. Moreover, this understanding was confirmed by the Examiner during a telephone interview on July 19, 2005.

Claim 34 has been amended to clarify aspects of the claim, thereby removing any perceived deficiencies with respect to definiteness. Specifically, claim 34 has been amended to delete the term "oligonucleotide" from the claim and replace it with "oligopeptide". The introduction of "oligonucleotide" into the claim appears to have been the result of an inadvertent typographical error. In view of the above, Applicants believe that the rejection as it applied to claims 34, 35, and 38 is obviated and respectfully request that the rejection be withdrawn.

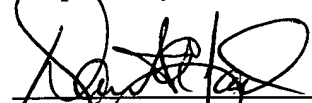
Fees

No additional fees are believed to be necessitated by this amendment. However, should this be an error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overpayment.

Conclusion

It is submitted, therefore, that the claims are in condition for allowance. No new matter has been introduced. Allowance of all claims at an early date is solicited. In the event that there are any questions concerning this amendment, or application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,



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Enclosures: Petition for a One-Month Extension of Time